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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,521	02/06/2002	Sanjay Shyam	SJO920010051US1	2891
29683	7590	06/03/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			MCLEAN MAYO, KIMBERLY N	
			ART UNIT	PAPER NUMBER
			2187	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/072,521

Applicant(s)

SHYAM ET AL.

Examiner

Kimberly N. McLean-Mayo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-11 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7,12-14 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 1-4,8-11 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The enclosed detailed action is in response to the Amendment submitted on February 24, 2005.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 8-11 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppen (USPN: 5,761,667) in view of George (USPN: 6,026,462).

Regarding claims 1-4, 8-11 and 15-18, Koeppen discloses a method for reducing ABENDs when a job encounters an end of storage volume, the method comprising (a) in response to the encounter, selecting a new storage volume from the disk and (b) and if step (a) is unsuccessful, selecting a different new storage volume from the disk (C 9, L 8-20). Koeppen does not teach selecting a new storage volume from a first group comprising a plurality of storage volumes and if unsuccessful selecting another new storage volume from a second group comprising a second plurality of storage volumes. However, George teaches the concept of selecting a new storage volume (main and expanded memory partition) from a first group comprising a plurality of storage volumes (assigned main and expanded memory partitions; Figure 8, References 805, 809) and if unsuccessful (unavailable) selecting a volume from a second group comprising a

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second plurality of storage volumes (unassigned pool of memory reassigned to a different memory partition; Figure 8, References 803, 807) (C 3, L 62-67; C 2, L 28-35; C 5, L 4-28; C 6, L 3-19; refer to Figure 8). This feature taught by George provides efficient memory usage by allocating use of memory partitions as needed by the current workload of the system in oppose to allocating the entire memory as taught by Koeppen. Thus, it would have been obvious to one of ordinary skill in the art to use George's teachings with the teachings of Koeppen for the desirable purpose of efficiency.

#### ***Allowable Subject Matter***

4. Claims 5-7, 12-14 and 19-21 are allowed.

#### ***Response to Arguments***

5. Applicant's arguments filed February 24, 2005 have been fully considered but they are not persuasive.

Regarding Applicant's arguments, George teaches memory partitions wherein assigned and reassigned pools of memory are allocated thereto. George's memory partitions function in the same manner as a storage volume and thus is a functional equivalent of a storage volume. A partition is a single unit of memory/storage (which may or may not be external), wherein the unit can be read by a single access mechanism or by an input/output device such as a DMA. When applying the teachings of George to Koeppen's system, the units of memory in Koeppen's system will be modified to incorporate the teachings of George.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly N. McLean-Mayo whose telephone number is 703-308-9592. The examiner can normally be reached on M (10:00 - 6:30); Tues, Thr (10:00 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 703-308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KIMBERLY MCLEAN-MAYO  
PRIMARY EXAMINER

Kimberly N. McLean-Mayo  
Examiner  
Art Unit 2187

KNM

May 27, 2005